

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MICHAEL BROOKS FAIRCHILD

PLAINTIFF

v.

CIVIL NO. 1:15cv324-HSO-RHW

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION [16], AFFIRMING DECISION OF
COMMISSIONER, AND DIMISSING PLAINTIF'S COMPLAINT [1]**

This matter comes before the Court on the Report and Recommendation [16] of United States Magistrate Judge Robert H. Walker, entered in this case on January 13, 2017. After due consideration of the Report and Recommendation, Plaintiff Michael Brooks Fairchild's Complaint [1], the record as a whole, and all relevant legal authority, the Court finds that the Magistrate Judge's Report and Recommendation should be adopted, that the decision of the Commissioner should be affirmed, and that the Plaintiff's Complaint should be dismissed.

I. BACKGROUND

On September 28, 2015, Plaintiff Michael Brooks Fairchild ("Plaintiff") filed his Complaint [1] asserting that he "is disabled" and that the "denial of his disability claim is not supported by substantial evidence under the standards set forth by 42 U.S.C. § 405(g)." Compl. [1] at 2. Plaintiff asserts that "the denial of his claim should be reversed or remanded for further administrative proceedings." *Id.* On March 7, 2016, Defendant Commissioner of the Social Security

Administration (“Commissioner”) filed an Answer [11] and the Administrative Record [12].

On April 6, 2016, Plaintiff filed his Memorandum in Support [13] of his Complaint. The Commissioner’s Memorandum in Opposition [14] was filed on June 3, 2016. On June 17, 2016, Plaintiff filed his Reply [15].

On January 13, 2017, United States Magistrate Judge Robert H. Walker entered the Report and Recommendation [16], recommending that the decision of the Commissioner be affirmed. To date, no objection to the Report and Recommendation has been filed. Plaintiff is represented by counsel in this proceeding.

II. DISCUSSION

Where no party has objected to a magistrate judge’s proposed findings of fact and recommendation, the Court need not conduct a de novo review of it. 28 U.S.C. §636(b)(1) (“a judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made”). In such cases, the Court applies the “clearly erroneous, abuse of discretion and contrary to law” standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court concludes that Magistrate Judge Walker’s findings are not clearly erroneous, nor are they an abuse of discretion or contrary to law. For the foregoing reasons, the Court will adopt

Magistrate Judge Robert H. Walker's Report and Recommendation [16] as the opinion of this Court.

III. CONCLUSION

After a thorough review and consideration of Magistrate Judge Robert H. Walker's Report and Recommendation [16] and the record as a whole, the Court concludes that the Magistrate Judge's Report and Recommendation [16] should be adopted as the finding of this Court, the Commissioner's decision will be affirmed, and Plaintiff's Complaint [1] will be dismissed.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Magistrate Judge's Report and Recommendation [16], entered in this case on January 13, 2017, is **ADOPTED** as the finding of this Court and the Commissioner's decision is **AFFIRMED**. Plaintiff's Complaint [1] is **DISMISSED WITH PREJUDICE**. A separate judgment will be entered in accordance with this Order, as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED, this the 17th day of February, 2017.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE